IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

RPFC.No. 61 of 2003()

M.C.72/2001 IN THE FILE OF FAMILY COURT, KOZHIKODE

REVISION PETITIONER/PETITIONER

RAMLA, 25 YEARS, D/O. ABOOBACKER,
CHERUNGOTT, PENGAD, PUTHUKKODE P.O.,
RAMANATTUKARA VIA., MALAPPURAM.

BY ADV. SRI.K.P.MUJEEB

RESPONDENT: RESPONDENT:

THOTTAKADAVATH MUHAMMED BASHEER,
30 YEARS, S/O. MUHAMMED KOYA, THOTTAKADAVATH,
ELATHUR P.O., KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 15/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(FC)No.61 of 2003

Dated this the 15th day of October, 2007

O R D E R

The revision petitioner who is the petitioner/wife in M.C.No.72/01 in the file of Family Court, Kozhikode who had filed an application under Section 125 Crl.P.C. The Family court dismissed the application upholding the contention of the respondent/husband that the petitioner is living separately without sufficient reason.

2. The evidence adduced in the matter consisted of the testimony of PW1, Exts. A1 and A2 and RW1.

3. PW1 and RW1 are the petitioner and the respondent respectively. Ext.A1 is the discharge card issued from PHC, Kondotty with respect to the complainant. In Ext. P1 no details of the ailment or injuries are mentioned. It is first noted that the petitioner was admitted on 9.10.1998 and discharged on 10.10.1998. It is the version of the petitioner that she was manhandled and had to be admitted in the hospital. But nothing could be established from Ext. A1 except the fact that it is

mentioned therein that it is a medico legal case.

4. In the circumstances, I find that the matter requires reconsideration. The case is remitted back to the Family court for fresh disposal after permitting the parties to adduce further evidence if they so desire. The matter will stand posted before the court below on 27.11.2007.

The revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl